

Date of Publication: 8 July 2016
Deadline for Call-in: Midnight 18 July 2016

CABINET

Meeting - 4 July 2016

Present: Mr Bagge, Mr Naylor, Mrs Sullivan and Mr Kelly

Also Present: Mrs Lewis

Apologies for absence: Mr Egleton

7. MINUTES

The minutes of the meeting of the Cabinet held on 24 May and 28 June 2016 were confirmed and signed by the Leader.

8. FORWARD PLAN OF EXECUTIVE DECISIONS

The Cabinet received a copy of the 28 day Notice prepared in accordance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 setting out the key (and non-key) decisions the Cabinet was intending to make at public and private meetings.

The Cabinet also received a copy of the 28 day Notice setting out the key (and non-key) decisions the Chiltern and South Bucks Joint Committee were intending to make at public and private meetings.

RESOLVED that the 28 day Notices be noted.

9. ENVIRONMENT

(a) Joint Waste Committee for Buckinghamshire - Dissolution

The Cabinet considered a report regarding how the Joint Waste Strategy 2014-2020 would be progressed following the dissolution of the Joint Waste Committee for Bucks.

Cabinet noted that the report had been tabled for discussion at the Environment PAG on 7 June 2016 and had been agreed at Chiltern District Council's Cabinet on 28 June 2016.

The report detailed the reasons for recommendation, which were that now that the Joint Waste Strategy 2014-2020 is established and all of the Buckinghamshire district councils have rolled out new collection services, the Joint Waste Committee for Buckinghamshire (JWC) has decided, subject to the formal agreement of its constituent authorities, that the Strategy can be delivered in a more efficient manner by dissolving the formal joint committee and adopting a more streamlined and less formal structure.

RESOLVED that:

- 1 subject to the formal agreement of all the constituent authorities, the Joint Waste Committee for Buckinghamshire be dissolved and the twelve months' notice required by the Committee's Constitution be waived;
- 2 the Joint Waste Partnership be retained as an informal entity to carry out activities to support the delivery of the Joint Waste Strategy 2014-2020;

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- 3 a Memorandum of Understanding, as outlined in the report of the officers, be drawn up to regulate the activities of the Joint Waste Partnership with authority being delegated to the Head of Environment in consultation with the Head of Legal and Democratic Services to agree the precise terms;
- 4 the remaining funds in the approved budget of the Joint Waste Committee, once committed expenditure has been met, be used to fund a continued fly-tipping campaign across Buckinghamshire;
- 5 the grant awarded by the Department for Communities and Local Government for the Fighting Food Waste project be used to support the activities described in the bid for funding;
- 6 the partner Councils give consideration to making budgetary provision for the ongoing work of the Partnership once the remaining budget has been utilised, expected to be for the financial year 2018/19 and thereafter.

(b) Environment PAG Minutes

The Cabinet received the minutes of the Environment PAG held on 7 June 2016.

RESOLVED that minutes be noted.

10. **RESOURCES**

(a) Gerrards Cross Car Parking

The Cabinet considered a report seeking an approval for a further £40,000 for consultancy fees to facilitate the multi-storey car park project.

The reasons for the recommendation were that Officers were working towards producing a business case for consideration at the September Resources PAG, and preparing to swiftly progress procurement, if the business case was to be approved. The £40,000 would enable essential preparatory work including quantity surveying work, contract documentation and legal advice to feed into the business case, and draft contract documentation.

An alternative option would be to defer until after formal approval of the business case, however Members were advised that this would impact on the procurement timetable.

RESOLVED that further expenditure of £40,000 for consultancy fees to support the business case and any subsequent procurement for the Gerrards Cross Car Park development be agreed.

(b) Resources PAG Minutes

The Cabinet received the minutes of the Resources Advisory Group held on 16 June 2016.

RESOLVED that the minutes be noted.

11. **HEALTHY COMMUNITIES**

(a) Food and Health & Safety Business Plans

The Cabinet received a report regarding the Joint Food and Health and Safety Business Plans. The report had also been tabled at the Healthy Communities PAG on 13 June 2016 for discussion.

The Portfolio Holder explained the Food Standards Agency's (FSA) Code of Practice and the Health and Safety Executive (HSE) require local authorities to produce and publish an

annual service plan that demonstrates how the authorities are working to deliver its food and safety services. The Better Regulation Delivery Officer also requires local authorities to produce and publish their enforcement policies and to ensure that they comply with The Regulator's Code; members noted that joint plans had been produced between the two Councils which detailed these requirements for the year 2016/17.

RESOLVED that

1. To approve the joint Food and Health and Safety Service Plan (Appendix 1)
2. To approve the Food and Health and Safety Enforcement Policies (Appendix 2 & 3).

(b) Joint Private Sector Housing Strategy and Financial Assistance Policy

The Cabinet received a report regarding Joint Private Sector Housing Strategy and associated policies in respect of financial assistance, Houses in Multiple Occupation and housing enforcement across South Bucks District Council and Chiltern District Council and to publish the draft joint strategy and associated policies for consultation.

The current Private Sector Housing Renewal strategy requires updating to include changes in national housing policy as well as the introduction of new legislative requirements and increased financial constraints and local developments, not least the introduction of shared working with Chiltern District Council.

As best practice a local House Condition Survey has been carried out (last Survey undertaken in 2004) to inform the development of the private sector housing strategy. Members noted that Private sector housing staff do not have the capacity or expertise to undertake such a survey in house. Members considered two options:

- Undertake a procurement exercise to appoint consultants to carry out a house condition survey (estimated cost £20,000 - £35,000 plus staff time).
- Not to undertake a survey at the current time and rely on nationally and locally available data to inform the direction of the strategy.

RESOLVED that

- a Joint Private Sector Housing Strategy and associated policies across South Bucks District Council and Chiltern District Council be prepared.
- authority be delegated to the Head of Healthy Communities to publish a draft joint strategy and associated policies for consultation via the Council's website.
- a House Condition Survey is not carried out at the current time, but that the need for a survey is reviewed annually by the Head of Healthy Communities in consultation with the Portfolio Holder.

(c) Delegated Authority for the Microchipping of Dogs (England) Regulations 2015

Cabinet received a report considering the amendment to the Scheme of Delegation and Part E of the Constitution to include a reference to the Animal Welfare Act 2006.

The report detailed the powers that came into effect on 6 April 2016, and the need to amend the Constitution in order to facilitate the efficient and effective enforcement of the legislation, which provides for the compulsory microchipping of dogs, as well as the recording of each dog's identity and keeper's contact details on a prescribed database. The amendment would allow for a Notice being sent to the keeper advising them of the legal requirements, and requiring any dog being collected by the dog service, being chipped within 28 days.

RECOMMENDATION to Council

1. To include the Animal Welfare Act 2006 and subordinate Regulations within the Council's Scheme of Delegation.
2. That authority be delegated to the Head of Healthy Communities to appoint officers for all purposes in connection with the above legislation and to give the authority to officers to exercise any of the powers specified within the legislation.
3. To authorise the Head of Legal and Democratic Services to amend Part E of the Constitution accordingly.

(d) Commuted Sums Report - Affordable Housing

The Cabinet received an update report regarding the affordable housing schemes delivered through the Housing Commuted Sums derived from developers and to consider opportunities to deliver affordable housing.

It was noted that this report had been tabled at the Healthy Communities PAG on 13 June 2016. The report provided members with an overview of the various schemes that the monies in question are utilised for, and raises the query of how to take the funds forward, with suggestions for this laid out in the recommendations within the report.

RESOLVED

1. That the operation of the Acquisition, Equity Share and Downsizing schemes continue within current allocated funding levels and to cease the Incentive to Purchase scheme be agreed.
2. That reallocation of funding from the Acquisition scheme on a case by case basis to support the on site development of affordable housing by L&Q be agreed.
3. Authority be delegated to the Chief Executive in consultation with the Leader and Portfolio Holder for Healthy Communities, agreement to finalise the level of financial support from Commuted Sums for partnership projects which will increase the delivery of affordable rented accommodation.
4. Members agree to allocating the available £1.4M Affordable Housing Contributions (commuted sums) for opportunities that arise by working in partnership with registered Providers, other public bodies and or developers to provide grant funding to deliver affordable rented properties on site.

(e) Healthy Communities Minutes

The Cabinet received the minutes of the Healthy Communities PAG held on 13 June 2016.

RESOLVED that the minutes be noted.

12. **ANNUAL PERFORMANCE REPORT**

The Cabinet received the annual performance report which outlined the performance of Council services against performance indicators and service objectives during the year 2015-16.

Members welcomed the new style info –graphic format of the report.

RESOLVED that the report be noted.

13. **ANY OTHER BUSINESS WHICH THE LEADER DECIDES IS URGENT**

None.

14. **EXCLUSION OF PUBLIC**

“that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act “ Paragraph 1, 2 and 3.

15. **RESOURCES**

(a) Parking Service – Off Street Parking Legislation

The Cabinet received a report detailing the legal framework which governs parking enforcement, in order to determine whether to align South Bucks District Council with Chiltern District Council to enable all car parks across Chiltern and South Bucks to be enforced under the Traffic Management Act 2004.

The report explained to Members that as a Joint Parking Service had now been created, processes need to be aligned in order to manage efficiencies. Currently, CDC enforces using the Traffic Management Act 2004 (TMA), while SBDC uses the Road Traffic Regulation Act 1984 (84 Act), with TMA falling under Civil Law, and 84 Act falling under Criminal Law. South Bucks is the only area within Buckinghamshire with enforcement of On and Off Street parking under two separate acts.

The adoption of TMA for both on and off street parking would mean the adoption of powers to carry out Off Street enforcement. This would also lead to a reduction in judicial costs as appeals and debt recovery are currently dealt with by the Magistrates’ Court, incurring solicitor’s fees: under TMA, debt recovery can be passed to the debtor and recovered alongside the registered debt. As the TMA framework is used across all other parts of the County it was felt this would make it easier for customers.

The report went on to detail to Members that the estimated reduction of overall car parking income would be as a worst case 1.8%, however, it was felt that using a more efficient recovery framework would reduce this figure.

RESOLVED that South Bucks move to the enforcement of their Off Street Parking Areas under the Traffic Management Act 1984.

(b) Resources PAG Part II Minutes

The Cabinet received Part II minutes of the Resources PAG held on 16 June 2016.
RESOLVED that the minutes be noted.

16. **HEALTHY COMMUNITIES**

(a) Gerrards Cross Police Station Site

The Cabinet considered a report on the preferred approach to supporting the delivery of affordable housing on the Gerrards Cross Police station site.

The opportunities to deliver affordable housing on site within South Bucks District Council were detailed within the report.

RECOMMENDATION to Council

That Council is recommended to allocate monies as detailed in the report from the Capital Programme to this scheme.

And **RESOLVED** that

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- the Council negotiates to purchase the Gerrards Cross Police Station site as stated in the report.
- the Chief Executive in consultation with the Leader be authorised to agree the final purchase price.
- a sum of monies as stated in the report as unallocated Affordable Housing Contributions for the delivery of affordable housing be utilised for the purchase and monies as detailed in the report be allocated from the Capital programme
- Following acquisition the eight 3 bed properties on the land be used for temporary accommodation and that officers bring forward further development proposals for the site to support the delivery of affordable housing and/or sub-market or market rent housing

(b) Healthy Communities PAG Part II Minutes

The Cabinet received the Part II minutes of the Healthy Communities PAG held on 13 June 2016.

RESOLVED that the minutes be noted.

The meeting terminated at 6.18 pm